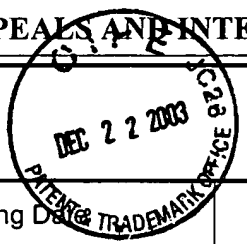


AF/2700 #12

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES (Large Entity)**

Docket No.
(Z) C 98003 P US

In Re Application Of: **Wagner**



Serial No.
09/934,817

Filing Date
August 21, 2001

Examiner
Etienne LeRoux

Group Art Unit
2171

Invention:

Optical Arrangement and Projection Illumination Equipment for Microlithography with Passive Thermal Compensa

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TO THE COMMISSIONER FOR PATENTS:

Technology Center 2100

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated **July 14, 2003** finally rejecting Claim(s) **1-37 and 39-41**

The fee for this Notice of Appeal is: **\$330.00**

PTO

- ☒ A ~~2038~~ in the amount of the fee is enclosed.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **11 - 0665**

M. Robert Kestenbaum

Signature

Dated: **December 15, 2003**

M. Robert Kestenbaum
Reg. No. 20,430
11011 Bermuda Dunes NE
Albuquerque, NM USA 87111
Phone (505) 323-0771
Fax (505) 323-0865

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330.00 CP
420.00 CP

I certify that this document and fee is being deposited
on **December 15, 2003** with the U.S. Postal Service as
first class mail under 37 C.F.R. 1.8 and is addressed to the
Commissioner for Patents, P.O. Box 1450, Alexandria, VA
22313-1450.

M. Robert Kestenbaum
Signature of Person Mailing Correspondence

M. Robert Kestenbaum

Typed or Printed Name of Person Mailing Correspondence

cc:



In this, obviously only lens 36 can be an "optical element that is heated by radiation".

Laser diode 38 is self-heating by its lasing process. This lens 36 is exclusively connected to the assembly by part 30, which is designated to thermally isolate. Also it is rotationally symmetric as the whole arrangement is cylindrical (col. 3 lines 6, 7).

Laser diode 38 is connected to active cooling thermo electric cooler 40 via uniform cylindric part 39. Consequently, claim 4 is not obvious.

Wherefore, further consideration and allowance of the claims is requested. This Amendment After Final Action is necessary to place the claims in condition for allowance or to place this application in better condition for appeal.

A Notice of Appeal is included herewith. A two-month extension of time in which to respond to the outstanding Office Action is hereby requested. Credit Card Payment Form PTO-2038 is enclosed to cover the prescribed Large Entity two-month extension fee of \$420, as well as the Notice of Appeal fee of \$330. Please charge any additional fees or credit any overpayments to Deposit Account 11-0665. A duplicate of this page is enclosed for this purpose.

Respectfully submitted,

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M. Robert Kestenbaum